

**UNITED STATES COURT OF APPEALS**  
**TENTH CIRCUIT**

**MAR 6 1998**

**PATRICK FISHER**  
Clerk

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MANUEL M. CHAVEZ,  
  
Plaintiff-Counter-  
Defendant-Appellant,  
v.  
  
PRIMUS AUTOMOTIVE  
FINANCIAL SERVICES,  
  
Defendant-Counter-  
Claimant-Appellee.

Case No. 97-2176  
(D.C. No. 96-CV-1348-JC)  
(District of New Mexico)

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**ORDER AND JUDGMENT\***

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Before **ANDERSON**, **HENRY**, and **BRISCOE**, Circuit Judges.

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After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. See Fed. R. App. P. 34(a) and 10th Cir. R. 34.1.9. The case is therefore ordered submitted without oral argument.

On October 15, 1997, this court disposed of the material issues applicable to this appeal. See Chavez v. Primus Automotive Financial Services, No. 97-

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\* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

2142, 1997 WL 634090 (10th Cir. Oct. 15, 1997). For the reasons set forth in that Order and Judgment, the order of the district court in this appeal is vacated and remanded for proceedings consistent with that Order and Judgment. The mandate shall issue forthwith.

ENTERED FOR THE COURT

Robert H. Henry  
Circuit Judge